

ENTERED

February 18, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ELISEO	§ CIVIL ACTION NO
QUINTANILLA, <i>et al</i> ,	§ 4:23-cv-04349
Plaintiffs,	§
	§
	§
	§
vs.	§ JUDGE CHARLES ESKRIDGE
	§
	§
METROPOLITAN LIFE	§
INSURANCE CO and	§
QUANTA SERVICES	§
INC,	§
Defendants.	§

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiffs initiated this case in state court on September 26, 2022, and Defendants removed the case to federal court based on federal question jurisdiction. Dkt 1. The matter was referred for pretrial management to Magistrate Judge Christina A. Bryan. Dkt 6.

Pending is a Memorandum and Recommendation by Judge Bryan dated December 16, 2024. Dkt 36. She recommends that the motion by Defendant Quanta Services, Inc, for judgment on the pleadings be granted, and that Plaintiff's remaining state law claim against Quanta be dismissed with prejudice as preempted by ERISA.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no

clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

No party filed objections. No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 36.

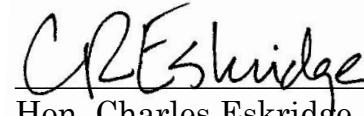
The motion by Defendant Quanta Services, Inc, for judgment on the pleadings is GRANTED. Dkt 28.

Because Defendant Metropolitan Life Insurance Co has been previously dismissed, this case is hereby DISMISSED WITH PREJUDICE

This is a FINAL JUDGMENT.

SO ORDERED.

Signed on February 18, 2025, at Houston, Texas.



Hon. Charles Eskridge
United States District Judge